

RULES  
OF  
GEORGIA DEPARTMENT OF AGRICULTURE  
ENTOMOLOGY AND PLANT INDUSTRY

CHAPTER 40-4-21  
HORTICULTURAL GROWING MEDIA

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**40-4-21-.01 Definitions.**

The following words or terms shall have the meaning set forth herein when used in these rules and regulations:

- (a) Aged: exposed under uncontrolled conditions to weathering and/or natural decay.
- (b) Bark: the outer, more or less corky layer of stems of most woody plants. Bark may include no more than 15 percent by volume wood.
- (c) Bulk: not in a package or in packages of one cubic yard or more.
- (d) Compost: organic materials which have been biologically decomposed by mixing and piling in such a way as to promote decay, and to minimize pathogens, viable weed seeds and odors. Such materials must have passed beyond a thermophilic (heat-generating) stage, and must be in a stage of decomposition (aerobic) of a sufficient degree to be not harmful to plant growth

when combined with generally accepted horticultural industry growing practices.

(e) Commissioner: the Commissioner of Agriculture, any employee of the Department of Agriculture, or any other person authorized by the Commissioner to act on behalf of the Commissioner.

(f) Custom Medium: a horticultural growing medium which is prepared to exact specifications of the person who will be planting in the medium and delivered directly to that person without intermediate or further distribution.

(g) Department: the Georgia Department of Agriculture.

(h) Distribute: to offer for sale, sell, barter, exchange, or otherwise supply or make available.

(i) Horticultural growing medium: any substance or mixture of substances which is promoted as or is intended to function as an artificial soil for the managed growth of horticultural crops.

(j) Label: the display of all written, printed, or graphic matter on or attached to the immediate container accompanying the lot of horticultural growing medium.

(k) Labelling: in addition to the label, any written, printed, or graphic matter accompanying any horticultural growing medium or any advertisements, brochures, posters, television or radio announcements, or any other oral or written material used in promoting a horticultural growing medium.

(l) Person: individuals, partnerships, corporations, or other organized bodies or entities, or any combination thereof.

(m) Processed: deliberately treated or manipulated to modify or transform physical, chemical, or biological characteristics of the natural state of the substance.

(n) Raw: in the natural state, and not prepared, modified or manipulated for use.

(o) Registrant: the person whose name appears on the label of a horticultural growing medium and who is responsible for labeling such medium.

(p) Registration Document: the information required by the Commissioner for registering a horticultural growing medium for

distribution into or within Georgia, not including a Suitability Document. The Registration Document may be made available by the registrant to the purchaser upon request.

(q) Suitability Document: the information described by the Commissioner, of an experimental and explanatory nature describing how the registrant determined suitability of the product for its intended use(s).

(r) Suitable: to function as promoted or intended when combined with generally accepted horticultural industry growing practices. Generally, in referring to a medium, this means holds water and air, provides mechanical support, and sustains plant growth when combined with generally accepted horticultural industry growing practices.

(s) Soil: the upper weathered mineral surface of the earth. Soil may contain an organic portion consisting of both living and dead organisms.

(t) Wood: a hard, fibrous material located beneath the bark, which constitutes the greatest part of stems of trees and shrubs.

Authority O.C.G.A. Sec. [2-12-100](#) et seq. **History.** Original Rule entitled "Definitions" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993.

#### **40-4-21-.02 Registration and Fees.**

(1) All registrants of horticultural growing media distributed in Georgia must register each product name with the Commissioner on a Registration Document supplied by the Commissioner. The initial registration of a horticultural growing medium must be accompanied by a Suitability Document.

(2) All registrants must submit an annual fee of \$50.00 for each product name registered. The maximum total annual fee per registrant shall be \$1500.00.

(3) No product name shall be registered which misrepresents the product's primary component or component formulation.

(4) Each product name shall refer to a specific formulation; different product names may refer to the same specific formulation. Products for which formulations change or are

modified beyond the ranges reported in the Registration Document must either be preregistered with a name which distinguishes them from the previous formulation, or production and distribution of the previous formulation must cease.

(5) Reregistered products must be accompanied by a new Registration Document and Suitability Document for that formulation.

(6) Each product Registration Document shall be accompanied by a label or facsimile of a label for that product as named. If the product is sold in more than one size, a label or facsimile of a label for each package size must be submitted.

(7) Registrations for each product name shall be renewed annually by July 1.

Authority O.C.G.A. Sec. [2-12-100](#) et seq. **History.** Original Rule entitled "Registration and Fees" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993.

#### **40-4-21-.03 Contents of the Label.**

(1) Label information may be printed on the bag containing the product, printed on a sticker placed on the bag, printed on a flyer or tag attached to the bag, or in the case of bulk bags or bulk, any of the above or printed on a fact sheet accompanying the shipment.

(2) The Commissioner shall require each label to contain the following minimum information. Additional information of an instructional or explanatory nature may be provided at the discretion of the registrant.

(a) The product name as registered.

(b) The volume of the product in quarts, cubic feet, yards, or metric volumes, or the weight of the product in ounces, pounds, or metric weights, as registered.

(c) A listing of all physical components whether organic or inorganic. Components shall be listed in order of decreasing amount by volume, if they comprise at least 3 per cent or more of total volume of the product. The percentage of the primary (first-named) component shall be listed as a 10 percent range of the total volume of the product. Components shall be described as follows:

1. Bark products shall be described as raw, aged, processed, or composted. Bark shall also be specified as pine or softwood (meaning Gymnosperm), or hardwood (not Gymnosperm), and may include no more than 15 percent by volume wood.
  2. Peat products shall be described in accordance with ASTM standards as to whether they are sphagnum, hypnum, reed-sedge, humus, or other peat.
  3. Wood products shall be described as raw, aged, processed, or composted.
  4. Readily degradable organic substances shall be listed and described as raw, aged, processed or composted.
  5. The base material(s) for any other composted product shall be described or listed.
- (d) Intended use statements such as general recommendations for product use. If cautionary warnings of uses not recommended are made they should be stated in this section of the label.
- (e) General fertilization recommendations for use with the product. An acceptable minimum recommendation would indicate at what time after planting the product required the addition of fertilizer, or whether the product required the addition of fertilizer.
- (f) An address where further product information may be obtained, and a telephone number available during normal business hours for further product information.
- (g) For products intended for use by commercial growers, the date of manufacture, or the month and year of manufacture, stated at any location on the bag. If the date or month and year of manufacture is coded, sufficient information must be provided to determine the date or month and year of manufacture from the code.

Authority O.C.G.A. Sec. [2-12-100](#) et seq. **History.** Original Rule entitled "Contents of the Label" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993.

#### **40-4-21-.04 Sampling and Analyses.**

- (1) The Commissioner may enter in or upon any place used for preparation, distribution, or labelling of horticultural growing

media during normal business hours and may inspect and sample any material, or inspect any label or labelling.

(2) The Commissioner may require the registrant to provide physical and chemical analyses of products if he has reason to believe the product does not conform with the label or labelling. The analyses shall include but not be limited to all information required by the label section of this Chapter, the Registration Document, the Suitability Document and any other supporting documentation.

Authority O.C.G.A. Sec. [2-12-100](#) et seq. **History.** Original Rule entitled "Contents of the Label" adopted. F. Oct. 26, 1993; eff Nov. 15, 1993

#### **40-4-21-.05 Suitability.**

(1) If claims of suitability of a horticultural growing medium are made for a specific crop or crops, or any claims of intended purpose are made, or any substance or product is promoted as a horticultural growing medium, the Commissioner may require data and proof of usefulness in the form of a Suitability Document, to show suitability for the intended purpose when used with generally accepted horticultural industry growing practices.

(2) The Commissioner may cooperate with or enter into agreements with any governmental agency or any other person, organization or entity to determine suitability of any horticultural growing medium for the intended purpose.

Authority O.C.G.A. Sec. [2-12-100](#) et seq. **History.** Original Rule entitled "Suitability" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993.

#### **40-4-21-.06 Exemptions.**

(1) Distribution of horticultural growing media planted with live plant material is exempt from labelling and registration requirements.

(2) Distribution of custom media is exempt from registration requirements provided it is prepared for a single purchaser and is not held for distribution to other purchasers.

(3) Distribution of horticultural growing media containing plant nutrients shall be exempt from the requirements of Article 1 of Chapter 12 of Title 2, the ~~'Georgia Plant Food Act of 1989'~~ 'Georgia Fertilizer Act of 1997'.

Authority O.C.G.A. Sec. [2-12-100](#) et seq. **History.** Original Rule entitled "Exemptions" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993

#### **40-4-21-.07 Stop Sale and Revocations.**

The Commissioner is authorized to:

(a) Place a Stop Sale on any horticultural growing medium if the product name is not registered, or if the composition thereof is found to be inaccurately or untruthfully labelled by the Commissioner.

1. The distributor of the horticultural growing medium placed under Stop Sale will be notified by registered letter or by personal delivery of a Stop Sale document. The reason for the Stop Sale must be given.

2. A Stop Sale order may be released only by written order of the Commissioner.

(b) Revoke or cancel registrations of any person or product, or refuse to register horticultural growing media upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasion or attempted evasion of this Chapter. No registration shall be revoked, denied, cancelled or refused without prior notice and hearing by the Commissioner.

Authority O.C.G.A. Sec. [2-12-100](#) et seq. **History.** Original Rule entitled "Stop Sale and Revocations" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993.

#### **40-4-21-.08 Unlawful Acts.**

It shall be an unlawful act to:

(a) Distribute an unregistered horticultural growing medium, except one exempted from the requirements of this Chapter.

- (b) Distribute a horticultural growing medium if the label or labelling does not accurately reflect its composition.
  - (c) Distribute a horticultural growing medium which is unsuitable for its intended purpose or which contains substances at a level harmful to plant growth.
  - (d) Fail to supply the Commissioner with analyses of horticultural growing media when requested by the Commissioner.
  - (e) Fail to cease distribution of any horticultural growing medium for which the Commissioner has issued a Stop Sale order.
  - (f) Obstruct the Commissioner in the performance of his duties.
- Authority O.C.G.A. Sec. [2-12-100](#) et seq. **History.** Original Rule entitled "Unlawful Acts" adopted. F. Oct. 26, 1993; eff. Nov. 15, 1993.